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REMARKS

The Office action dated September 23, 2004 and the cited references have been carefully considered.

Status of the Claims

Claims 1-67 are pending.

Claims 36-39, 44-47, 57, 59, 63, and 65 are allowed.

Claims 10-13, 24, 25, 27, 28, 30, 31, 33, 34, 41, 42, 49, 50, 53, 54, 60, and 66 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Applicants wish to thank the Examiner for indicating that claims 36-39, 44-47, 57, 59, 63, and 65 are allowed, and that claims 10-13, 24, 25, 27, 28, 30, 31, 33, 34, 41, 42, 49, 50, 53, 54, 60, and 66 are allowable. Claims 10, 24, 27, 30, 33, 41, 49, and 53 have been rewritten in independent form to include all of the limitations of respective base claims and any intervening claims. Each of claims 11-13, 25, 28, 31, 34, 42, 50, 54, 60, and 66 now depends upon one of these rewritten claims. Therefore, 10-13, 24, 25, 27, 28, 30, 31, 33, 34, 41, 42, 49, 50, 53, 54, 60, and 66 are now in condition for allowance. Early allowance is respectfully requested.

Claims 1, 17, 20, 23, 26, and 26 are rejected under the judicially created doctrine of obviousness-type double patenting as being upatentable over claim 1 of U.S. Patent 6,685,852 (hereinafter "the '852 patent"). Claim 4 is rejected under the judicially created doctrine of obviousness-type double patenting as being upatentable over claim 4 of the '852 patent. Claim 5 is rejected under the judicially created doctrine of obviousness-type double patenting as being upatentable over claim 5 of the '852 patent.

Claims 1, 7-9, and 15-22 are rejected under the judicially created doctrine of obviousness-type double patenting as being upatentable over claim 1 of U.S. Patent 6,580,097 (hereinafter "the '097 patent"). Claim 14 is rejected under the judicially created

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doctrine of obviousness-type double patenting as being upatentable over claim 1 of the '097 patent.

Claims 1-6, 17, 23, 26, 32, 35, 40, 43, 48, 51, 52, 56, 58, 61, 62, 64, and 67 are rejected under 35 U.S.C. § 102(b) as being anticipated by Northrop et al. (U.S. Patent 5,122,710; hereinafter "Northrop").

The Applicants respectfully traverse this rejection for the reasons set forth below.

Double Patenting Rejection

Claims 1, 17, 20, 23, 26, and 26 are rejected under the judicially created doctrine of obviousness-type double patenting as being upatentable over claim 1 of the '852 patent. Claim 4 is rejected under the judicially created doctrine of obviousness-type double patenting as being upatentable over claim 4 of the '852 patent. Claim 5 is rejected under the judicially created doctrine of obviousness-type double patenting as being upatentable over claim 5 of the '852 patent. Claims 1, 17, 20, 23, 26, and 29 have been amended to delete the phosphors $(\text{Ba,Sr,Ca})_5(\text{PO}_4)_3(\text{Cl,OH})\text{:Eu}^{2+}$; $(\text{Ba,Sr,Ca})\text{MgAl}_{10}\text{O}_{17}\text{:Eu}^{2+}, \text{Mn}^{2+}$; and $3.5\text{MgO}\cdot 0.5\text{MgF}_2\cdot \text{GeO}_2\text{:Mn}^{4+}$ from the list of the claimed phosphors. Therefore, this double patenting rejection is now overcome. Withdrawal of this double patenting rejection is respectfully requested.

Claims 1, 7-9, and 15-22 are rejected under the judicially created doctrine of obviousness-type double patenting as being upatentable over claim 1 of the '097 patent. Claim 14 is rejected under the judicially created doctrine of obviousness-type double patenting as being upatentable over claim 1 of the '097 patent. Claims 1, 9, 17, and 20 have been amended to delete the phosphors $(\text{Ba,Sr,Ca})\text{MgAl}_{10}\text{O}_{17}\text{:Eu}^{2+}, \text{Mn}^{2+}$ and $\text{Y}^2\text{O}_3\text{:Eu}^{3+}$ from the list of the claimed phosphors. Claims 7, 8, 14-16, 18, 19, 21, and 22 depend on one of these amended claims. Therefore, this double patenting rejection is now overcome. Withdrawal of this double patenting rejection is respectfully requested.

Claim rejection Under 35 U.S.C. § 102(b)

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Claims 1-6, 17, 23, 26, 32, 35, 40, 43, 48, 51, 52, 56, 58, 61, 62, 64, and 67 are rejected under 35 U.S.C. § 102(b) as being anticipated by Northrop. The Applicants respectfully traverse this rejection because Northrop does not disclose each and every limitation of each of claims 1-6, 17, 23, 26, 32, 35, 40, 43, 48, 51, 52, 56, 58, 61, 62, 64, and 67.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a *single* prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added).

Northrop discloses the phosphors $(\text{Sr,Ca,Ba})_5(\text{PO}_4)_3\text{Cl:Eu}$ and $\text{Y}_2\text{O}_3\text{:Eu}$.

In contradistinction, amended claims 1, 17, 23, 26, 32, 40, 48, 52, and all claims dependent therefrom now recite the phosphors $(\text{Sr,Ca,Ba})_5(\text{PO}_4)_3(\text{F})\text{:Eu}^{2+}$ or $(\text{Sr,Ca,Ba})_5(\text{PO}_4)_3(\text{F,OH})\text{:Eu}^{2+}$ and $(\text{Gd,Lu,Sc})_2\text{O}_3\text{:Eu}^{3+}$. Therefore, Northrop does not disclose each and every limitation of each of claims 1, 17, 23, 26, 32, 40, 48, 52, and all claims dependent therefrom.

Since Northrop does not disclose each and every limitation of each of claims 1-6, 17, 23, 26, 32, 35, 40, 43, 48, 51, 52, 56, 58, 61, 62, 64, and 67, Northrop does not anticipate these claims.

In view of the above, it is submitted that the claims are patentable and in condition for allowance. Reconsideration of the rejection is requested. Allowance of claims at an early date is solicited.

Respectfully submitted,



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